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EXAMINER

QUINONES, ISMAEL C

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,434

Applicant(s)

YAMAMOTO, TOSHIFUMI

Examiner

Ismael Quiñones

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on June 10, 2004.

Claims 24-43 are now pending in the present application. **This Action is made ~~FINAL~~**
FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 24, 30, and 43** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation wherein the connection control section starts a connection procedure between the car mounted electronic device and the mobile communication terminal when a paging signal from the car mounted electronic device is detected introduces new matter. The specification and drawings of the instant application fail to disclose either implicitly or explicitly detection of a paging signal for connecting both the mobile communication terminal and the car mounted electronic device. Applicant is welcomed to point out where in the specification or the drawings the Examiner can find support for the above said limitation if Applicant

Art Unit: 2686

believes otherwise.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 24-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chennakeshu et al. (U.S. Pat. No. 6,542,758) in view of Oda (U.S. Pat. No. 6,393,301).

Regarding **claim 24**, Chennakeshu et al. disclose a mobile communication terminal (A mobile communication terminal such as a base unit or hand-held radiotelephone; *col. 3, line 66 thru col. 4, line 1; col. 2, lines 47-48*) connectable to a car mounted electronic device (A car mounted electronic device such as a control unit typically mounted on a vehicle, wherein interface modules provide communication between the mobile communication terminal and the car mounted electronic device; *col. 2, lines 30-31; col. 4, lines 60-62; Fig. 1; Fig. 2, item 32; Fig. 3, item 54*), the mobile

Art Unit: 2686

communication terminal comprising: a first interface for making radio communication with a mobile communication network (Wherein the mobile communication terminal or base unit comprises a transceiver capable of establishing radio communications with a mobile communication network through a station located outside of the vehicle; *col. 4, lines 1-3; Fig. 2, item 34; col. 6, lines 7-8; Figs. 5-6, item 103*); a second interface for making radio communication with the car mounted electronic device (Wherein both the base unit and the control unit comprise transceivers/interface modules for establishing a radio communication link between them; *col. 4, lines 22-23 and 60-64; Fig. 2, item 32; Fig. 3, item 54*); a connection control section for controlling connection to the car mounted electronic device (Wherein the control unit or car mounted electronic device comprise control logic for handling operations such as audio conversion, wherein said audio conversion comprise elements such as: a microphone for transmitting audio signals to the base unit subsequently conveying them to remote station outside of the vehicle; and a speaker for conveying audio signals received from a remote station outside of the vehicle to the control unit; *col. 4, lines 42-57; Fig. 3, items 48 and 50*); the car mounted electronic device (control unit) detecting the presence of the mobile communication terminal (base unit or hand-held radiotelephone) (*col. 8, lines 54-57*); establishing a wireless link between the mobile communication terminal and the car mounted electronic device (*col. 6, lines 31-42*), consequently setting a hands-free communication mode when control passes to the car mounted electronic device or control unit (*col. 6, lines 55-65*). Chennakeshu et al et al. fail to clearly specify a connection procedure between the car mounted electronic device when a paging signal from the car mounted electronic device is detected.

Art Unit: 2686

In the same field of endeavor, Oda discloses a radio telephone system for use in a vehicle wherein an accessory mounted in a vehicle sends a mode switch signal to a wireless transceiver of a radio telephone, therefore establishing a communications with one another to control the operation mode of the radio telephone (*col. 3, line 45 thru col. 4, line 46*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chennakeshu et al. vehicle mounted communication system to include a detection signal for establishing communications as taught by Oda for the purpose of allowing automatic link establishment and controlling the operation of a radio telephone when placing such in car, thus preventing traffic accidents when a driving the car.

Regarding **claim 25**, and as applied to claim 24, Chennakeshu et al. in view of Oda disclose the aforementioned mobile communication terminal. In addition Chennakeshu et al. disclose wherein the second interface is a Bluetooth circuit (Wherein both the base unit and the control unit comprise transceivers/interface modules for establishing a radio communication link between them, said interface being a Bluetooth interface; *col. 4, lines 60-65; col. 6, lines 18-22*).

Regarding **claim 26**, and as applied to claim 24, Chennakeshu et al. in view of Oda disclose the aforementioned mobile communication terminal. In addition Chennakeshu et al. disclose the mobile communication terminal further comprising an information transfer control section for transferring an incoming call to the car mounted electronic device via the second interface when the incoming call is received from the mobile communication network via the first interface (Wherein the control unit or car

Art Unit: 2686

mounted electronic device comprise control logic for handling operations such as audio conversion, wherein said audio conversion comprise elements such as: a microphone for transmitting audio signals to the base unit subsequently conveying them to remote station outside of the vehicle; and a speaker for conveying audio signals received from a remote station outside of the vehicle to the control unit; *col. 4, lines 42-57; Fig. 3, items 48 and 50*).

Regarding **claim 27**, and as applied to claim 26, Chennakeshu et al. in view of Oda disclose the aforementioned mobile communication terminal. In addition Chennakeshu et al. disclose the wherein the information transfer control section further transfers an outgoing call to the mobile communication network via the first interface when an outgoing call is received from the car mounted electronic device via the second interface (Wherein the control unit or car mounted electronic device comprise a microphone for transmitting audio signals to the base unit through a local-area transceiver conveying them to remote station outside of the vehicle through the base unit transceiver/item 34; *col. 4, lines 42-57; Fig. 2, item 32; Fig. 3, items 48, 50, and 54*).

Regarding **claim 28**, and as applied to claim 24, Chennakeshu et al. in view of Oda disclose the aforementioned mobile communication terminal. In addition Chennakeshu et al. disclose wherein the connection control section transmits an authentication code to the car mounted electronic device in the connection procedure via the second interface (The control unit or car mounted electronic device receiving the user ID or unique identification number from the base unit or mobile telephone; *col. 8, lines 18-64*).

Art Unit: 2686

7. **Claims 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Chennakeshu et al. (U.S. Pat. No. 6,542,758) in view of Oda (U.S. Pat. No. 6,393,301), further in view of Chen et al. (U.S. Pat. No. 5,751,719).

Regarding **claim 29**, and as applied to claim 24, Chennakeshu et al. in view of Oda disclose the aforementioned mobile communication terminal. Chennakeshu et al. in view of Oda fail to clearly specify wherein the connection control section disconnects the connection with the car mounted electronic device and sets the communication mode in its own communication mode if no packet, which is periodically output from the car mounted electronic device for acknowledgement of the connection, is received for a predetermined time period.

In the same field of endeavor Chen et al. disclose a method and system for controlling data transfer wherein data packets are transmitted periodically, and subsequently after receiving said data packets, an acknowledge is sent periodically. If no data packets are received disconnection or cessation of transmission ultimately occurs (*col. 9, line 51 thru col. 10, line 25*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chennakeshu et al. in view of Oda vehicle mounted communication system to monitor a communication session based on packet transmission as taught by Chen et al. for the purpose of avoiding the loss of data or voice through a damaged or non-operative communication link or session.

8. **Claims 30-33, 39, and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chennakeshu et al. (U.S. Pat. No. 6,542,758) in view of Paul (U.S. Pat.

Art Unit: 2686

No. 4,087,753), further in view of Chen et al. (U.S. Pat. No. 5,751,719).

Regarding **claim 30**, Chennakeshu et al. disclose a car mounted electronic device connectable to a mobile communication terminal, the car mounted electronic device comprising: a radio interface for making radio communication with the mobile communication terminal (Wherein both the base unit and the control unit comprise transceivers/interface modules for establishing a radio communication link between them; *col. 4, lines 22-23 and 60-64; Fig. 2, item 32; Fig. 3, item 54*); and a connection control section for controlling connection to the mobile communication terminal (Wherein the control unit or car mounted electronic device comprise control logic for handling operations such as audio conversion, wherein said audio conversion comprise elements such as: a microphone for transmitting audio signals to the base unit subsequently conveying them to remote station outside of the vehicle; and a speaker for conveying audio signals received from a remote station outside of the vehicle to the control unit; *col. 4, lines 42-57; Fig. 3, items 48 and 50*); the car mounted electronic device (control unit) detecting the presence of the mobile communication terminal (base unit or hand-held radiotelephone) (*col. 8, lines 54-57*); establishing a wireless link between the mobile communication terminal and the car mounted electronic device (Providing a response from the mobile communication terminal, thereafter creating a two-way wireless link; *col. 6, lines 31-42; Fig. 4, item 68; Fig. 6, item 118*), consequently setting a hands-free communication mode when control passes to the car mounted electronic device or control unit (*col. 6, lines 55-65*). Chennakeshu et al. et al. fail to clearly specify a connection procedure between the car mounted electronic device when a paging signal from the car mounted electronic device is transmitted periodically.

Art Unit: 2686

In the same field of endeavor, Paul discloses a communication system for communicating between a first and a second object, wherein the first object generates and transmits a signal, the second object receiving and detecting the said signal and providing an output signal in response of detecting the signal generated by the first object (*col. 2, lines 19-25; col. 7, lines 14 thru col. 8, line 61*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chennakeshu et al. vehicle mounted communication system to include a detection signal for establishing communications as taught by Paul for the purpose of acknowledging the receipt of a signal for synchronizing communications between two communication devices.

Chennakeshu et al. in view of Paul fail to clearly specify transmitting the signal periodically.

However in the same field of endeavor, Chen et al. disclose a method and system for controlling data transfer wherein data packets are transmitted periodically (*col. 9, line 51 thru col. 10, line 25*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chennakeshu et al. in view of Paul vehicle mounted communication system to monitor a communication session based on packet transmission as taught by Chen et al. for the purpose of verifying or monitoring the operation of an already established communication link.

Regarding **claim 31**, and as applied to claim 30, Chennakeshu et al. in view of Paul disclose the aforementioned car mounted electronic device. Chennakeshu et al. in view of Paul wherein the connection control section periodically transmits a packet,

Art Unit: 2686

which is used by the mobile communication terminal to acknowledge the existence of the connection, via the radio interface.

In the same field of endeavor Chen et al. further disclose a method and system for controlling data transfer wherein data packets are transmitted periodically, and subsequently after receiving said data packets, an acknowledge is sent periodically. If no data packets are received disconnection or cessation of transmission ultimately occurs (*col. 9, line 51 thru col. 10, line 25*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chennakeshu et al. in view of Paul vehicle mounted communication system to monitor a communication session based on packet transmission as taught by Chen et al. for the purpose of avoiding the loss of data or voice through a damaged or non-operative communication link or session.

Regarding **claim 32**, and as applied to claim 30, Chennakeshu et al. in view of Paul, further in view of Chen et al. disclose the aforementioned car mounted electronic device. In addition Chennakeshu et al. disclose the car mounted electronic device further comprising an information transfer control section for receiving an incoming call (Wherein the control unit or car mounted electronic device comprise control logic for handling operations such as audio conversion, wherein said audio conversion comprise elements such as: a microphone for transmitting audio signals to the base unit subsequently conveying them to remote station outside of the vehicle; and a speaker for conveying audio signals received from a remote station outside of the vehicle to the control unit; *col. 4, lines 42-57; Fig. 3, items 48 and 50*), and transmitting an outgoing call (Wherein the control unit or car mounted electronic device comprise a microphone

Art Unit: 2686

for transmitting audio signals to the base unit through a local-area transceiver conveying them to remote station outside of the vehicle through the base unit transceiver/item 34; *col. 4, lines 42-57; Fig. 2, item 32; Fig. 3, items 48, 50, and 54*).

Regarding **claim 33**, and as applied to claim 32, Chennakeshu et al. in view of Paul, further in view of Chen et al. disclose the aforementioned car mounted electronic device. In addition Chennakeshu et al. disclose the car mounted electronic device further comprising a speaker (A speaker for conveying audio signals received from a remote station outside of the vehicle to the control unit; *col. 4, lines 42-57; Fig. 3, items 48 and 50*) for outputting a speech signal from the mobile communication terminal and a microphone for inputting speech of a user (Wherein the control unit or car mounted electronic device comprise a microphone for transmitting audio signals to the base unit through a local-area transceiver conveying them to remote station outside of the vehicle through the base unit transceiver/item 34; *col. 4, lines 42-57; Fig. 2, item 32; Fig. 3, items 48, 50, and 54*).

Regarding **claim 39**, and as applied to claim 30, Chennakeshu et al. in view of Paul, further in view of Chen et al. disclose the aforementioned car mounted electronic device. In addition Chennakeshu et al. disclose wherein the control section receives an authentication code from the mobile communication terminal via the radio interface and rejects the connection if the authentication code is not registered in the car mounted electronic device (The control unit or car mounted electronic device receiving the user ID or unique identification number from the base unit or mobile telephone, and denying access if the identification code is not matched; *col. 8, lines 18-64*).

Regarding **claim 43**, Chennakeshu et al. disclose a system comprising: a mobile

Art Unit: 2686

communication terminal (A car mounted electronic device such as a control unit typically mounted on a vehicle, wherein interface modules provide communication between the mobile communication terminal and the car mounted electronic device; *col. 2, lines 30-31; col. 4, lines 60-62; Fig. 1; Fig. 2, item 32; Fig. 3, item 54*), and a car mounted electronic device connectable to the mobile communication terminal (A mobile communication terminal such as a base unit or hand-held radiotelephone; *col. 3, line 66 thru col. 4, line 1; col. 2, lines 47-48*), the mobile communication terminal including; a first interface for making radio communication with a mobile communication network (Wherein the mobile communication terminal or base unit comprises a transceiver capable of establishing radio communications with a mobile communication network through a station located outside of the vehicle; *col. 4, lines 1-3; Fig. 2, item 34; col. 6, lines 7-8; Figs. 5-6, item 103*); a second interface for making radio communication with the car mounted electronic device (Wherein both the base unit and the control unit comprise transceivers/interface modules for establishing a radio communication link between them; *col. 4, lines 22-23 and 60-64; Fig. 2, item 32; Fig. 3, item 54*); a first connection control section for controlling connection to the car mounted electronic device (Wherein the control unit or car mounted electronic device comprise control logic for handling operations such as audio conversion, wherein said audio conversion comprise elements such as: a microphone for transmitting audio signals to the base unit subsequently conveying them to remote station outside of the vehicle; and a speaker for conveying audio signals received from a remote station outside of the vehicle to the control unit; *col. 4, lines 42-57; Fig. 3, items 48 and 50*); a second connection control section for controlling connection to the mobile communication terminal (Wherein the

Art Unit: 2686

control unit or car mounted electronic device comprise control logic for handling operations such as audio conversion, wherein said audio conversion comprise elements such as: a microphone for transmitting audio signals to the base unit subsequently conveying them to remote station outside of the vehicle; and a speaker for conveying audio signals received from a remote station outside of the vehicle to the control unit; *col. 4, lines 42-57; Fig. 3, items 48 and 50*); the car mounted electronic device (control unit) detecting the presence of the mobile communication terminal (base unit or hand-held radiotelephone) (*col. 8, lines 54-57*); establishing a wireless link between the mobile communication terminal and the car mounted electronic device (Providing a response from the mobile communication terminal, thereafter creating a two-way wireless link; *col. 6, lines 31-42; Fig. 4, item 68; Fig. 6, item 118*), consequently setting a hands-free communication mode when control passes to the car mounted electronic device or control unit (*col. 6, lines 55-65*). Chennakeshu et al. et al. fail to clearly specify a connection procedure between the car mounted electronic device when a paging signal from the car mounted electronic device is transmitted periodically.

In the same field of endeavor, Paul discloses a communication system for communicating between a first and a second object, wherein the first object generates and transmits a signal, the second object receiving and detecting the said signal and providing an output signal in response of detecting the signal generated by the first object (*col. 2, lines 19-25; col. 7, lines 14 thru col. 8, line 61*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chennakeshu et al. vehicle mounted communication system to include a detection signal for establishing communications as taught by Paul

Art Unit: 2686

for the purpose of acknowledging the receipt of a signal for synchronizing communications between two communication devices.

Chennakeshu et al. in view of Paul fail to clearly specify transmitting the signal periodically.

However in the same field of endeavor, Chen et al. disclose a method and system for controlling data transfer wherein data packets are transmitted periodically (*col. 9, line 51 thru col. 10, line 25*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chennakeshu et al. in view of Paul vehicle mounted communication system to monitor a communication session based on packet transmission as taught by Chen et al. for the purpose of verifying or monitoring the operation of an already established communication link.

9. **Claims 34-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chennakeshu et al. (U.S. Pat. No. 6,542,758) in view of Paul (U.S. Pat. No. 4,087,753), further in view of Chen et al. (U.S. Pat. No. 5,751,719), even further in view of Witkowski et al. (U.S. P.G.-Pub. No. 2002/0197955).

Regarding **claim 34** and as applied to claim 32, Chennakeshu et al. in view of Paul, further in view of Chen et al. disclose the aforementioned car mounted electronic device. Chennakeshu et al. in view of Paul, further in view of Chen et al. fail to clearly specify wherein the car mounted electronic device is a car audio having music playing function and a music is outputted by using the speaker.

In the same field of endeavor Witkowski et al. disclose a system for

Art Unit: 2686

communicating information between two or more wireless communication devices, wherein a vehicle comprises an audio system for outputting audio information transmitted from an electronic communication device such as a cellular phone, a CD player or any other portable electronic equipment (*Page 4, Paragraphs 42-45*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chennakeshu et al. in view of Paul, further in view of Chen et al. mobile communication terminal comprising means for establishing communication with a car mounted electronic device to include means for outputting audio information such as music as taught by Witkowski et al. for the purpose of communicating to a variety of portable communication devices when driving a motor vehicle.

Regarding **claim 35** and as applied to claim 32, Chennakeshu et al. in view of Paul, further in view of Chen et al., even further in view of Witkowski et al. disclose the aforementioned car mounted electronic device. In addition Witkowski et al. disclose wherein the car mounted electronic device is a car navigation device having a measuring function for measuring a vehicle position by using a GPS and a display for displaying map information (A mobile communication terminal such as a cellular phone, and a car navigation device such as a GPS system device on-board a vehicle, wherein the cellular phone transmits information data over an RF wireless link to the on-board vehicle device, subsequently displaying said information on the vehicle's display; *Pages 7-8, Paragraph 73*).

Regarding **claim 36** and as applied to claim 35, Chennakeshu et al. in view of Paul, further in view of Chen et al., even further in view of Witkowski et al. disclose the

Art Unit: 2686

aforementioned car mounted electronic device. In addition Witkowski et al. disclose the car navigation device further comprising an audio reproduction section for reproducing an audio signal reproduced by the audio reproducing section outputted by using the speaker (Pages 7-8, Paragraph 73).

10. **Claims 37, 38, 41, and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Chennakeshu et al. (U.S Pat. No. 6,542,758) and Paul (U.S Pat. No. 4,087,753), in view of Chen et al. (U.S. Pat. No. 5,751,719), further in view of Witkowski et al. (U.S. P.G.-Pub. No. 2002/0197955), even further in view of Levi (U.S Pat. No. 5,678,200).

Regarding **claims 37, 38, 41, and 42**, and as applied to claims 34 and 36, the combination of Chennakeshu et al. and Paul, in view of Chen et al., further in view of Witkowski et al. disclose both aforementioned car audio device and car navigation device. The combination of Chennakeshu et al. and Paul, in view of Chen et al., further in view of Witkowski et al. fail to clearly specify muting the audio or the music when the information transfer section receives an incoming call and muting the audio reproduced or the music played when an operation for an outgoing call is performed.

In the same field of endeavor, Levi discloses a mobile communication terminal, comprising an output operation control means (A cellular phone activity detector mounted on a vehicle for controlling different accessory devices, said cellular phone activity detector activated via an antenna by transmitted energy from a mobile communication terminal or cellular phone; *col. 1, lines 7-10; col. 2, lines 43-45; col. 3, lines 62-67; col. 4, lines 12-14 and 31-33*) for supplying an output operation limiting

Art Unit: 2686

command to said car mounted electronic device via said second radio channel, so as to limit an output of information specific to said car mounted electronic device (Wherein the cellular activity detector uses no direct electrical connection to the mobile communication terminal or cellular phone, instead senses RF transmission from the cellular phone (Audio activity from the cellular phone such as incoming and outgoing calls), subsequently comprising a processor which outputs a control signal to those accessory devices within the cellular phone audio vicinity, as to limit or discriminate audio signals originating from said devices; *col. 1, line 61 thru col. 2, line 3; col. 2, lines 51-63*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have the combination of Chennakeshu et al. and Paul, in view of Chen et al., further in view of Witkowski et al. mobile communication terminal comprising means for establishing communication with a car mounted electronic device to include output audio control activity as taught by Levi for the purpose of answering a mobile communication terminal and automatically excluding audio activity originating from audio devices attached to a vehicle, except for that originating from the mobile communication terminal, therefore providing safety measures while driving and answering a call.

11. **Claims 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over Chennakeshu et al. (U.S. Pat. No. 6,542,758) in view of Paul (U.S. Pat. No. 4,087,753), further in view of Chen et al. (U.S. Pat. No. 5,751,719), even further in view of Garnault (U.S. Pat. No. 5,929,769).

Art Unit: 2686

Regarding **claim 40**, and as applied to claim 39, Chennakeshu et al. in view of Paul, further in view of Chen et al. disclose the aforementioned car mounted electronic device. Chennakeshu et al. in view of Paul, further in view of Chen et al. fail to clearly specify wherein the control section outputs a restriction signal to an engine control circuit of a vehicle for restricting startup.

In the same field of endeavor, Garnault discloses a hands-free system for vehicle operation control comprising means for detecting a entrance into a vicinity of the car mounted electronic device or control unit (*item 2*), subsequently after detecting entrance into a vicinity, the transponder or mobile communication terminal (*item 4*) transmits an identification code to the car mounted electronic device, wherein the car mounted electronic device comprise authentication means for recognizing the identification code sent by the mobile communication terminal, and ultimately making a determination for unlocking or opening a vehicle "openable member" such as a vehicle door, therefore restricting engine startup if no identification code is recognized (*col. 1, lines 24- 50; col. 2, lines 37-40 and 53-59; col. 3, lines 28-34; col. 4, lines 30-34 and 55-59; claim 1*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made, to have Chennakeshu et al. in view of Paul, further in view of Chen et al. system for ascertaining and authenticating presence into a radio communication area to include means for restricting entrance and operation of a motor vehicle as taught by Garnault for the purpose of providing a commodity and security when opening a vehicle door as the driver approaches the vehicle vicinity.

Art Unit: 2686

Response to Arguments

12. Applicant's arguments with respect to **claims 24, 30, and 43** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any response to this Office Action should be **faxed to (703) 872-9306** or **mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2686

Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

15. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997, and fax number is (703) 746-9818. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.


16. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q.

August 23, 2004


2/23/04
LESTER G. KINCAID
PRIMARY EXAMINER